

**REMARKS**

Claims 1-17 are pending and are rejected.

Claims 1, 6, 9, 11, and 17 are amended. Claims 9 and 17 are amended to correct a typographical error.

**Claim Rejection – 35 USC 103(a)**

Responsive to the rejection of claims 1-17 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,850,218 ("LaJoie") in view of U.S. Patent No. 6,157,413 ("Hanafee"), applicants have amended claims 1, 6, and 11 to more particularly point out and distinctly claim the subject matter that applicants regard as the invention, and respectfully submit that these claims are patentable for the reasons discussed below.

The present application provides a user with (on screen) specific options to "BUY" 930 or "BUY AND RECORD" 940 a program, as best seen in FIG. 9. When a user selects the "BUY AND RECORD" option, the user does not have to select one of the "BUY" and "RECORD" user options and then selects the other user options, in order to buy and record a selected program, as in the prior art. See, for example, page 1, line 22-page 2, line 12, and FIGs. 6A and 6B. The selection also links the selected program and enters the program in a list of programs to be recorded and a list of programs purchased. This link further allows the canceling process of a purchased program to also automatically cancel the entry of the purchased program from the list of programs to be recorded. Thus, the canceling process becomes more efficient.

Claim 1 is amended to more particularly point out and distinctly claim the subject matter that applicants regard as the invention. In particular, amended claim 1 recites an

apparatus for receiving a plurality of programs, comprising user interface means for selecting a program from said plurality of programs; an on screen user option to both purchase and record the selected program, so that a user does not have to select one of purchase and record user options and then select the other user option; a controller, in response to a first user action for selecting a first program for recording, stores said first program in a first list representing a list of programs to be recorded, and in response to a second user action selecting said on screen user option for selecting a second program for both purchasing and recording, stores said second program on a second list representing a list of programs purchased and also stores said second program on said first list. (Emphasis added.) The underlined feature can be found, for example, in FIGs. 6A and 6B.

The Office Action states that LaJoie does not disclose an on screen user option to both purchase and record a selected program, and relies upon Hanafée to cure this defect. Applicants strongly submit that Hanafée does not disclose or suggest an on screen user option to both purchase and record a selected program, so that a user does not have to select one of purchase and record user options and then select the other user option, as recited in amended claim 1.

FIGs. 4-7 in Hanafée, cited in the Office Action, does not disclose or suggest an on screen user option to both purchase and record a selected program, so that a user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program, as recited in amended claim 1. Hanafée actually discloses that a user must select the purchase user option as shown in FIG. 4 first, and then select the record user option as shown in FIG. 6 in order

to purchase and record a selected program. This is similar to the prior art disclosed in the background of invention section of the present application. See page 1, line 22- page 2, line 12 of the present invention.

Thus, LaJoie and Hanafee, considered singly and in combination, do not disclose or suggest an apparatus for receiving a plurality of programs, including an on screen user option to both purchase and record the selected program, so that a user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program, as recited in amended claim 1, and applicants submit that amended claim 1, and dependent claims 2-5, are patentable over the two references.

Claim 6 is similarly amended. As such, amended claim 6, and dependent claims 7-10, are patentable over the two references for similar reasons discussed above with respect to claim 1.

Claim 11 is also similarly amended. As such, amended claim 11 is patentable over the two references.

Furthermore, the Office Action admits that LaJoie does not disclose that when a program is cancelled, the program is removed from both the purchase list and the record list, as recited in amended claim 11, but states that this feature must be present; otherwise, it would be counter-intuitive (at 2) and would result in an error (at 5). This is a misunderstanding of the recording function. When a pay-per-view (PPV) program is not purchased or cancelled, it does not mean that a VCR cannot be set up to record that channel. Although if a PPV program is not purchased or is cancelled, no signal representing the PPV program is present, other signals such as advertisements, and/or

noise may be present in that channel. However, a user still can mistakenly set up a VCR to record that channel, but the user would disappointingly find that the recorded signal was not the PPV program, when the user plays back the recorded signal. The user would then conclude that he did not purchase or had cancelled the PPV program, but no harm is done to the VCR or the TV. As such, recording a cancelled pay-per-view program does not result in an error and is not counter-intuitive as alleged. In fact, this is one of the problems solved by the present invention. Therefore, applicants respectfully submit that LaJoie does not disclose or suggest removing a cancelled program from both lists, as recited in amended claim 11, and amended claim 11 is patentable over the two references for this reason alone.

Applicants submit that the second reason discussed above with respect to claim 11 is also applicable to claim 12, and claim 12 is patentable over the two references.

Applicants strongly disagree that LaJoie or Hanafée discloses or suggests a method for processing a plurality of programs, including a step of receiving a selection of a displayed user option for both purchasing and recording of a selected program, as recited in claim 13. As pointed out in the discussion with respect to claim 1, Hanafée discloses a user option for purchasing a program and another user option for recording the program. As such, Hanafée requires a selection of a purchase user option and a selection of a recording user option in order to both purchase and record a selected program, and does not disclose or suggest the step of receiving a selection of a displayed user option for both purchasing and recording of a selected program, as recited in claim 13. Since the Office Action acknowledges that LaJoie also does not disclose such a step, the combination of LaJoie and Hanafée do not disclose such as

step, and claim 13, and dependent claims 14-15, are patentable over the two references.

Applicants submit that the second reason discussed above with respect to claim 11 is also applicable to claims 16 and 17, and that claims 16 and 17 are patentable over the two references.

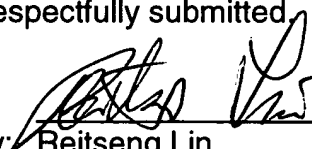
### **CONCLUSION**

In view of the foregoing remarks and amendments, the Applicant believes that they have overcome all of the examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Applicant requests that he contact their undersigned attorney in order to resolve any outstanding issues without the necessity of issuing another Office Action.

### **FEE**

No additional fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

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### **CERTIFICATE OF MAILING**

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop RCE], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

3-31-04  
Date

Karen Schlauch  
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